



Eric Gonzalez  
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[INSERT NAME]  
Assistant District Attorney

[INSERT DATE]

[INSERT D/C INFO]

Re: [INSERT CASE NAME]  
Kings County Dkt./Ind. No. [#####]

In connection with the above-named case, the People voluntarily provide the following information regarding:

**MOS NAME:** GERARD FENTON

**MOS TAX:** [REDACTED]

in satisfaction (to the extent applicable) of their constitutional, statutory, and ethical obligations. Further, the People reserve the right to move in limine to preclude reference to this information, or otherwise to object to its use and/or introduction into evidence.

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**Disclosure # 1:**

On October 28, 2014, in the vicinity of St John's Place and Franklin Avenue in Brooklyn, Police Officer Gerard Fenton, and his partner arrested an individual who was wanted on an active "I-Card," and placed the handcuffed individual in their patrol car. At this time, a crowd had gathered around the officers, heckling them. A man began filming the officers' actions with his cell phone. PO Fenton left the arrested individual unattended in the rear seat of the police vehicle and told the man who was filming to back up. PO Fenton approached the man and knocked the cell phone from his hand. Words were said. PO Fenton pushed the man, and the man closed his fist. PO Fenton and the man ended up scuffling as the officer attempted to arrest the man. PO Fenton eventually placed the resisting man under arrest, and, while maintaining an approved "under hooking pike" hold around the man's neck and shoulder and at the same time walking backwards towards the police vehicle, the officer brought the man to the vehicle and placed him in it, as the man continued to shout.

The NYPD's Internal Affairs Bureau (IAB) conducted an investigation into the incident. IAB concluded that the allegation of unnecessary force was unsubstantiated, but IAB substantiated allegations regarding the officer's leaving the prisoner unattended in the vehicle and interfering with the civilian's videotaping. The following Departmental charges were preferred against PO Fenton:

1. While on duty, and assigned to the 77th Precinct, PO Fenton, on or about October 28, 2014, did wrongfully leave an arrestee unattended inside the backseat of a radio motor patrol vehicle; and
2. While on duty, and assigned to the 77th Precinct, PO Fenton, on or about October 28, 2014, improperly arrested an individual known to the Department without probable cause, to wit: PO Fenton arrested an onlooker who was making derogatory statements and videotaping the lawful arrest of an individual known to the Department.

After a Departmental trial, PO Fenton was found guilty of both charges, and was required to forfeit ten vacation days as a penalty.

**Disclosure # 2:**

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION(S), DATED 3/12/14, AGAINST MOS FENTON:

1. DEPARTMENT RULES VIOLATION-TRAFFIC VIOLATIONS BUREAU COURT NON-APPEARANCE
- ACTION TAKEN: 'A' CD ISSUED  
CASE CLOSED ON 04/23/2014

**Disclosure # 3:**

The People are aware of the following federal civil rights action(s) and/or state tort civil lawsuit(s) in which the indicated officer has been named as an individual defendant. Note, disposition information may not be up to date:

<b>PLAINTIFF</b>	<b>DOCKET</b>	<b>COURT</b>	<b>FILED</b>	<b>DISPOSED</b>	<b>DISPOSITION</b>
Nicholas John	15-CV-4882	E.D.N.Y.	8-19-15	2-28-16	Settlement, without admission of fault or liability
Archie Pratt	15-CV-4095	E.D.N.Y.	7-13-15	6-27-16	Settlement, without admission of fault or liability

**IN ADDITION, BASED UPON CCRB DOCUMENTS UP TO DATE THROUGH OCTOBER 13, 2020, THE PEOPLE ARE AWARE OF THE FOLLOWING CCRB SUBSTANTIATED AND/OR PENDING ALLEGATIONS AGAINST THIS OFFICER:**

**Disclosure #4:**

CCRB CASE: 201409510

REPORT DATE: 09/16/2014

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Eric Gonzalez  
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Kings County